

PUBLIC NOTICE
INTENT TO ADOPT A MITIGATED NEGATIVE DECLARATION
CITY OF SAN JOSÉ, CALIFORNIA

Project File Number, Description, and Location

CP03-035, Conditional Use Permit to allow the expansion of operations at the Green Waste Recovery facility located at 625 Charles Street. The expansion would include permitting an increased tonnage from 934 tons per day to 2,000 tons per day for the processing of recyclables and compostable waste on the site and add a solid waste (SW) direct transfer facility (DTF), located at 625 Charles Street in the City of San Jose (Green Waste Recovery, Owner/Applicant). Council District: 4

California State Law requires the City of San José to conduct environmental review for all pending projects that require a public hearing. Environmental review examines the nature and extent of any potentially significant adverse effects on the environment that could occur if a project is approved and implemented. The Director of Planning, Building & Code Enforcement would require the preparation of an Environmental Impact Report if the review concluded that the proposed project could have a significant unavoidable effect on the environment. The California Environmental Quality Act (CEQA) requires this notice to disclose whether any listed toxic sites are present. The project location **does not** contain a listed toxic site.

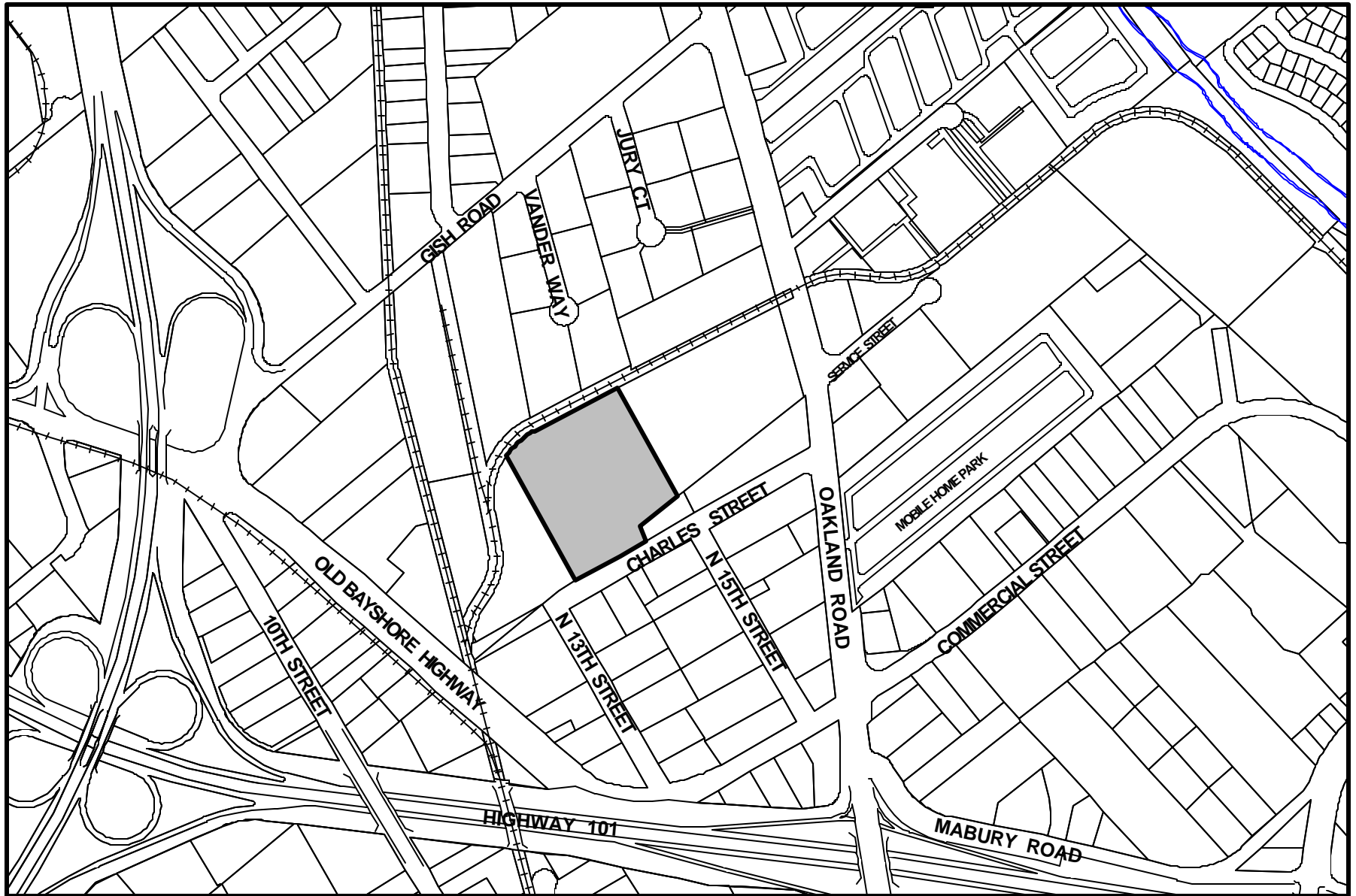
Based on an initial study, the Director has concluded that the project described above will not have a significant effect on the environment. We have sent this notice to all owners and occupants of property within 500 feet of the proposed project to inform them of the Director's intent to adopt a Mitigated Negative Declaration for the proposed project on **December 6, 2004**, and to provide an opportunity for public comments on the draft Mitigated Negative Declaration. The public review period for this draft Mitigated Negative Declaration begins on **November 5, 2004** and ends on **December 6, 2004**.

A public hearing on the project described above is tentatively scheduled for **December 8, 2004 at 6:00 pm** in the City of San Jose Council Chambers, 801 N. First Street, San Jose, CA 95110. The draft Mitigated Negative Declaration, initial study, and reference documents are available for review under the above file number from 9:00 a.m. to 5:00 p.m. Monday through Friday at the City of San Jose Department of Planning, Building & Code Enforcement, City Hall, 801 N. First Street, Room 400, San Jose, CA 95110. The documents are also available at the Dr. Martin Luther King, Jr. Main Library, 150 E. San Fernando St, San José, CA 95112, and the Berryessa Branch Library 3311 Noble Lane, San José, CA 95110 San Jose, and online at <http://www.ci.san-jose.ca.us/planning/sjplan/eir/mnd2004.htm> Adoption of a Negative Declaration does not constitute approval of the proposed project. The decision to approve or deny the project described above will be made separately as required by City Ordinance. For additional information, please call **Mike Mena** or **Richard Buikema** at (408) 277-4576.

Stephen M. Haase, AICP
Director, Planning, Building and Code Enforcement

Circulated on: November 5, 2004

Deputy



Scale: 1"=560'

File No: CP03-035

District: 04

Quad No: 67

**DRAFT
MITIGATED NEGATIVE DECLARATION**

The Director of Planning, Building and Code Enforcement has reviewed the proposed project described below to determine whether it could have a significant effect on the environment as a result of project completion. "Significant effect on the environment" means a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance.

NAME OF PROJECT: Green Waste Recovery, INC

PROJECT FILE NUMBER: CP03-035

PROJECT DESCRIPTION: Conditional Use Permit to allow the expansion of an existing processing of recyclables and compostable waste on the site from 934 tons per day (TPD) to 2,000 tons per day (TPD) and add a municipal solid waste direct transfer facility.

PROJECT LOCATION & ASSESSORS PARCEL NO.: 625 Charles Street, San Jose Ca. 95112; 237-06-088 & -089

COUNCIL DISTRICT: 4

NAME OF APPLICANT: Green Waste Recovery, Inc.

MAILING ADDRESS AND PHONE NO. OF APPLICANT CONTACT PERSON:
Jesse Weigel, 625 Charles Street, San Jose CA 95122

FINDING

The Director of Planning, Building & Code Enforcement finds the project described above will not have a significant effect on the environment in that the attached initial study identifies one or more potentially significant effects on the environment for which the project applicant, before public release of this draft Mitigated Negative Declaration, has made or agrees to make project revisions that clearly mitigate the effects to a less than significant level.

MITIGATION MEASURES INCLUDED IN THE PROJECT TO REDUCE POTENTIALLY SIGNIFICANT EFFECTS TO A LESS THAN SIGNIFICANT LEVEL

AIR QUALITY:

1. A Dust Minimization Plan and an Odor Impact Minimization Plan shall be implemented on the site to control dust and odor generation on the project site and within the material processing building.

2. All loads entering and exiting the site shall be covered.
3. The entire site shall be wet swept a minimum of twice per day and as needed to keep dust levels to a minimum.
4. Speed limits on site will be a maximum of five miles per hour to reduce dust emissions and speeds on Charles Street are 25 miles per hour.
5. An additional dust screen will be constructed/installed on the south side of the chipped wood storage area and manual watering of the chipped wood pile both as materials are loaded and unloaded will be done using handheld hoses.
6. Compostable material transfer bunkers shall be located away from the access door inside the material processing building
7. The southern access door of the material processing building shall remain closed to prevent cross winds from entering the facility
8. Non-toxic enzyme shall be used to oxidize sulfur and nitrogen-based odors on incoming and outgoing loads of food or green material
9. All liquids remaining in the bunkers shall be absorbed and disposed of daily
10. The applicant shall monitor odors on site in order to reduce complaints from surrounding properties. A complaint log shall be maintained on site and include measures to address complaints shall be kept. Measures shall include limiting the amount of odorous materials accepted at the site until the situation is rectified and include the transferring loads to a permitted landfill for disposal rather than processing them on-site.
11. The applicant shall apply odor-neutralizing liquids and remove compostable material from the site within a maximum 18 hours of receipt and yard waste within a maximum 24 hours of receipt.

PUBLIC REVIEW PERIOD

Before 5:00 p.m. on **Ending Date**, any person may:

- (1) Review the Draft Mitigated Negative Declaration (MND) as an informational document only; or
- (2) Submit written comments regarding the information, analysis, and mitigation measures in the Draft MND. Before the MND is adopted, Planning staff will prepare written responses to any comments, and revise the Draft MND, if necessary, to reflect any concerns raised during the public review period. All written comments will be included as part of the Final MND; or
- (3) File a formal written protest of the determination that the project would not have a significant effect on the environment. This formal protest must be filed in the Department of Planning, Building and Code Enforcement, 801 North First Street, San Jose, Room 400 and include a \$100 filing fee. The written protest should make a "fair argument" based on substantial evidence that the project will have one or more significant effects on the environment. If a valid written protest is filed with the Director

of Planning, Building & Code Enforcement within the noticed public review period, the Director may (1) adopt the Mitigated Negative Declaration and set a noticed public hearing on the protest before the Planning Commission, (2) require the project applicant to prepare an environmental impact report and refund the filing fee to the protestant, or (3) require the Draft MND to be revised and undergo additional noticed public review, and refund the filing fee to the protestant.

Stephen M. Haase, AICP
Director, Planning, Building and Code Enforcement

Circulated on: November 5, 2004

Deputy

Adopted on: _____

Deputy

MND/JAC 12/29/03

PUBLIC HEARING NOTICE

The Planning Commission of the City of San José will consider a **Conditional Use Permit** at a public hearing in accordance with Title 20 of the San José Municipal Code on:

Wednesday, December 08, 2004

6:00 p.m.

City Council Chambers, Room 205

City Hall

801 North First Street

San Jose, CA 95110

The project being considered is:

CP03-035. Conditional Use Permit to allow the expansion of operations at the GreenWaste Recovery Facility from 935 tons per day to 2000 tons per day for the processing of recyclables and compostable waste on site and add a solid waste direct transfer facility on a 6.05 gross acre site in the HI Heavy Industrial Zoning District, located at/on north side of Charles Street approximately 750 feet westerly of Oakland Road (625 CHARLES ST) (Green Waste Recovery Inc, Owner). Council District 4. SNI: None. CEQA: Mitigated Negative Declaration.

Reports, drawings, and documents for this project are on file and available for review, and a permit with recommendations will be available for your review during the week of the public hearing from **9:00 a.m. to 5:00 p.m.**, Monday, Wednesday, Fridays, and from **10:00 a.m. to 5:00 p.m.** Tuesday and Thursdays at:

Department of Planning, Building and Code Enforcement

801 North First Street, Room 400

San José, CA 95110

(408) 277-4576

www.ci.san-jose.ca.us/planning/sjplan/

You are welcome to attend and to speak on this issue. To arrange an accommodation under the Americans with Disabilities Act to participate in this meeting, please call (408) 277-4576 (Voice) at least 48 hours before the meeting. The decision of the Planning Commission may be appealed in accordance with the requirements of the San José Municipal Code. Instructions for filing a permit appeal are available from the Department of Planning, Building and Code Enforcement.

** If you choose to challenge this land use decision in court, you may be limited to only those issues you, or someone else, raised and discussed at the public hearing or in written correspondence delivered to the City at or prior to the public hearing.*

Comments and questions are welcome and should be referred to the **Project Manager, Michael Mena**, at the e-mail address: michael.mena@sanjoseca.gov in the Department of Planning, Building and Code Enforcement. Please refer to the above file number for further information on this project.



Joseph Horwedel,
Deputy Director, Plan Implementation Division

Dated: **November 05, 2004**